

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Gwendolyn McMullen,

PLAINTIFF

v.

Kilolo Kijakazi, Acting Commissioner of
Social Security Administration,

DEFENDANT

Case No. 0:20-CV-04424-TLW

ORDER

After the Court entered an order remanding this social security matter to the Commissioner for further proceedings, Plaintiff's counsel filed a motion for attorney's fees and costs pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. ECF No. 14. The Commissioner did not object to the requested amount of attorney's fees, expenses, and costs under the EAJA. ECF No. 15.

Under the EAJA, a court shall award attorney's fees to a prevailing party in certain civil actions against the United States unless the court finds that the government's position was substantially justified or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). An EAJA attorney's fees award is payable to the litigant and, therefore, is subject to an offset to satisfy the litigant's pre-existing debt to the Government. *Astrue v. Ratliff*, 560 U.S. 586, 594 (2010).

After careful consideration of the record and the applicable legal authority, Plaintiff's motion for attorney's fees under the EAJA, ECF No. 14, is **ACCEPTED**. The Commissioner is ordered to award Plaintiff \$2,922.59 for all legal services

rendered on Plaintiff's behalf by counsel in connection with this action, to be offset by the amount of Plaintiff's pre-existing federal debts, if any, plus \$21.15 in costs, for a total of \$2,943.74.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

November 8, 2021
Columbia, South Carolina